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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/693,325	10/24/2003	Mark A. McBride	03217	8245	
759	90 09/24/2004		EXAM	EXAMINER	
PETER D. AUFRICHTIG		ELKINS, GARY E			
300 East 42nd S New York, NY			ART UNIT	PAPER NUMBER	
- · · · · · · · · · · · · · · · · · · ·			3727		
		DATE MAILED: 09/24/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/693,325	MCBRIDE ET AL.	*			
Office Action Summary	Examiner	Art Unit				
	Gary E. Elkins	3727				
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet with	h the correspondence address	5			
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 Cl after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, If NO period for reply is specified above, the maximum statutory p - Failure to reply within the set or extended period for reply will, by any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a report. In a reply within the statutory minimum of thirty teriod will apply and will expire SIX (6) MONT statute, cause the application to become ABA	ply be timely filed (30) days will be considered timely. HS from the mailing date of this communi NDONED (35 U.S.C. § 133).	ication.			
Status						
1) Responsive to communication(s) filed on	·					
2a) This action is FINAL . 2b) ⊠	This action is non-final.	•				
	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims		•				
4) ☐ Claim(s) 1-20 is/are pending in the application 4a) Of the above claim(s) is/are with 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-20 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and sub	ndrawn from consideration.					
Application Papers						
9) The specification is objected to by the Exa	miner.					
0)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to	the drawing(s) be held in abeyand	e. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the ∞ 11) The oath or declaration is objected to by the	•	•	• •			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docur 2. Certified copies of the priority docur 3. Copies of the certified copies of the application from the International But * See the attached detailed Office action for a	nents have been received. nents have been received in Ap priority documents have been r ureau (PCT Rule 17.2(a)).	oplication No received in this National Stage	e .			
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SI Paper No(s)/Mail Date		/Mail Date ormal Patent Application (PTO-152)				

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 3, "the four corners" lacks antecedent basis in the claims, i.e. the elements are only inferentially set forth.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2, 4-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pantisano et al. Pantisano et al discloses a box including cut lines 62, 64, 66, 68, 70, 72 allowing collapse of the container into a smaller pieces. No distinction is seen between the claimed box and that shown in Pantisano as a result of the claimed intended disposal of the container using the perforations/disposal assist means once collapsed since the parts of the box in Pantisano are capable of being disposed of once separated. The distinction is seen as only an intended use rather than a distinction in the structure of the box.
- 4. Claims 1-15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vassiliou '206.

Allowable Subject Matter

5. Claims 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If in receiving this Office Action, it is apparent that certain documents are missing, e.g. copies of references cited, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703)308-1078.

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Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (703)308-1034. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (703)308-2572.

Gary E. Elkins
Primary Examiner

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22 September 2004